

Fri Jun 29 16:00:51 EDT 2018
CMS.OEX@epamail.epa.gov
FW: EPA-HQ-OA-2018-0107. ANPRM -- Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Pruitt, Scott
Sent: Friday, June 29, 2018 8:00:50 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW: EPA-HQ-OA-2018-0107. ANPRM -- Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process

From: Frank, Andrew [mailto:Andrew.Frank@ag.ny.gov]
Sent: Monday, June 18, 2018 5:15 PM
To: Pruitt, Scott <pruitt.scott@epa.gov>
Subject: EPA-HQ-OA-2018-0107. ANPRM -- Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process

Dear Administrator Pruitt:

Please find attached a letter from the Attorneys General of New York, Iowa, Maryland, Massachusetts, New Jersey and the District of Columbia requesting an extension of the public comment period for the above-referenced advance notice of proposed rulemaking.

Sincerely,

Andrew G. Frank
Assistant Attorney General
New York State Attorney General's Office
28 Liberty Street
New York, NY 10005
Telephone: 212-416-8271
Facsimile: 212-416-6007
E-mail: andrew.frank@ag.ny.gov

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**ATTORNEYS GENERAL OF NEW YORK, IOWA, MARYLAND,
MASSACHUSETTS, NEW JERSEY, AND THE DISTRICT OF COLUMBIA**

June 18, 2018

BY E-MAIL AND REGULATIONS.GOV

E. Scott Pruitt, Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20004
Pruitt.scott@epa.gov

Re: Advance Notice of Proposed Rulemaking – Increasing Consistency and
Transparency in Considering Costs and Benefits in the Rulemaking
Process
83 Fed. Reg. 27524 (June 13, 2018)
Docket ID No. EPA-HQ-OA-2018-0107

Dear Administrator Pruitt:

The undersigned Attorneys General are deeply concerned by the Environmental Protection Agency's advance notice regarding a possible rulemaking that may limit EPA's consideration of the benefits of environmental regulation and otherwise interfere with the agency's ability to properly analyze the benefits and costs of such regulation. For the reasons set out below, we write to ask that you extend the public comment period from 30 days to 120 days.

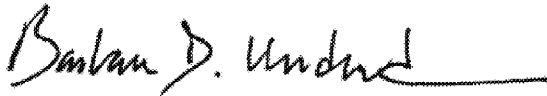
Where and how benefits and costs are analyzed in connection with environmental regulations is vitally important to protecting human health and the environment. We are concerned both about the compressed timeline under which EPA seeks to consider fundamental changes in policy that could affect many of EPA's rulemaking and other activities, and about the vagueness and potentially detrimental consequences of the proposal for those activities. As you know, EPA rules and other EPA actions are key elements of environmental protection that states rely on to safeguard the health of their citizens and natural resources. Under the cooperative federalism approach that underlies the Clean Air Act, the Clean Water Act and other federal environmental laws, states implement EPA's decisions regarding emissions and effluent standards and other regulatory matters, and thus those EPA decisions have a significant effect on the states' ability to protect their citizens and environment from toxic pollution and other harm. Thus, to the extent that consideration of benefits and costs is called for in connection with EPA actions, our states have a strong interest in ensuring that any EPA regulation or guidance governing the analysis of those benefits and costs is consistent with governing law and best practices and otherwise appropriate.

In light of the far-reaching impact the proposal could have on EPA's and the states' ability to protect public health and the environment, we ask that you extend the comment period for the advance notice by 90 days to provide for appropriate input from the public at large as well as from independent environmental experts, economists, and organizations with expertise in analysis of environmental benefits and costs. Given the extremely broad scope and impact of this proposal, the 30 days allowed for public comment in the advance notice is insufficient to give the affected public adequate opportunity to participate in the rulemaking and comment on the proposal as required by the Administrative Procedure Act, 5 U.S.C. § 553(c). Under section (2)(b) of Executive Order 13563, a standard comment period should be at least 60 days, but this tremendously consequential proposal calls for an even more deliberate pace given the profound potential impacts on the regulatory processes for many of the statutes EPA implements and enforces.

A full four-month comment period would be consistent with past practice for matters of similar importance and complexity, and is necessary to provide the public and other stakeholders a meaningful opportunity to evaluate the proposal and its implications for the agency's ability to meet its obligation to protect public health and the environment under federal environmental laws. We therefore request that EPA extend the comment period by 90 days, to October 11, 2018.

We appreciate your consideration of this important matter.

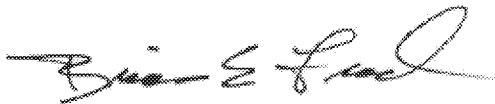
Respectfully submitted,



BARBARA D. UNDERWOOD
Attorney General of New York



THOMAS J. MILLER
Attorney General of Iowa



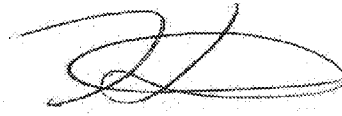
BRIAN E. FROSH
Attorney General of Maryland



MAURA HEALEY
Attorney General of Massachusetts



GURBIR S. GREWAL
Attorney General of New Jersey



KARL A. RACINE
Attorney General of the District of Columbia